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SOUTHWEST AIRLINES CO.  
8

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11

12 JUSTIN LEWIS, on behalf of himself, all  
others similarly situated,

13 Plaintiff,

14 v.

15 SOUTHWEST AIRLINES CO., a Texas  
16 Corporation; and DOES 1 through 100,  
Inclusive,

17 Defendants.  
18

Case No. 3:16-cv-00749-JCS

**DECLARATION OF CJ BEUTLER IN  
SUPPORT OF DEFENDANT'S MOTION  
TO TRANSFER VENUE**

Date: April 22, 2016

Time: 9:30 a.m.

Judge: Hon. Joseph C. Spero

Courtroom: G

1 I, CJ Beutler, hereby declare and state:

2 1. I am currently Manager of People for Defendant SOUTHWEST AIRLINES  
3 CO. ("SWA"), and I have held this position since August 2008. I have personal knowledge of the  
4 facts set forth in the Declaration and I can and would testify to those facts if called and sworn as a  
5 witness.

6 2. SWA is a national airline headquartered in Dallas, Texas. I work at SWA's  
7 corporate headquarters in Dallas, Texas and live approximately 30 miles from headquarters.

8 3. In my capacity as Manager of People, I have general oversight responsibility  
9 for SWA's background check policies and procedures, including ensuring SWA's compliance with  
10 applicable laws governing background screens and reports, such as the FCRA, the California  
11 Investigative Consumer Reporting Agencies Act and the California Consumer Credit Reporting  
12 Agencies Act. In my role as Manager of People, I have been directly involved, with legal advice, in  
13 revising SWA's job application and its consent form intended to comply with the FCRA's  
14 authorization and disclosure requirements. Our compliance process at times has involved other  
15 employees in SWA's People department, also located at our Dallas headquarters, including our  
16 Director of People, Shari Conaway. Our compliance lead, Michael Burkhardt lives in Phoenix,  
17 Arizona but frequently works in our Dallas headquarters. Mr. Burkhardt currently is our liaison with  
18 our background screen vendor, Sterling Infosystems, Inc. ("Sterling").

19 4. My department under my supervision has been responsible for retaining  
20 vendors to conduct background screens. During the calendar years 2010 through 2012, until  
21 sometime in late 2013 or early 2014, SWA utilized a vendor called First Advantage to conduct  
22 background screens and certain verifications of job applicants nationwide. My understanding is that  
23 First Advantage is headquartered in Sandy Springs, Georgia. During 2010 and until February 2011,  
24 Linda Engstrum, then a SWA Manager of People in Dallas, had day-to-day responsibility over the  
25 background screening and verification process within SWA and through First Advantage. Ms.  
26 Engstrum reported to Michael Curtis, then Senior Manager People, who reported to Cheryl Hughey,  
27 then Director of Onboarding, both in Dallas. Ms. Hughey had general responsibility for these areas  
28 as well as recruitment. Manager of People Jerry Traylor assumed Ms. Engstrum's responsibilities for

1 a year or so in 2011 from our Dallas headquarters. Mr. Traylor is no longer employed by SWA. I  
2 then assumed this responsibility as a Manager of People in approximately 2012.

3 5. In late 2013 or early 2014, SWA changed vendors and began using Sterling's  
4 screening services. At that time, SWA began using an electronic job application process and an  
5 applicant tracking system called iCIMS. Through this iCIMS system, the electronic signatures of  
6 applicants on SWA's job application and consent form were uploaded into a database that SWA can  
7 access. This iCIMS database shows some components of the background check for each applicant  
8 screened, including name, when a request was completed, an alcohol and drug testing record for all  
9 positions, and social security number. Sterling's database shows other components of the  
10 background check for applicants, including the criminal background search, educational verification,  
11 a work history/employment verification, a DMV check for some positions, and a sex offender  
12 database research. The documents in the iCIMS and Sterling databases are accessible to certain  
13 designated employees at SWA's Dallas headquarters. Further, SWA's information technology,  
14 payroll, and human resources ("People") departments are all located in our Dallas headquarters, and  
15 thus requests for information from our iCIMS database, our payroll or our human resources database  
16 are handled in Dallas.

17 6. When SWA utilized First Advantage, we used an applicant tracking system  
18 called "Deploy," which tracked all job applicants, including those screened by First Advantage.  
19 Deploy was deactivated after SWA switched to Sterling and iCIMS. SWA no longer has access to  
20 the electronic data from the Deploy system. Thus, the only means of determining from SWA  
21 records which employees were screened by First Advantage from January 2010 until early 2014 is  
22 by reviewing the copies of screening reports kept in personnel files in the ordinary course of  
23 business. These personnel files are stored in Dallas, Texas, either at our headquarters for active  
24 employees or in off-site storage (after one year for inactive employees). Signed applications and  
25 consent forms for applicants who were interviewed but not hired are kept in files also maintained in  
26 Dallas, Texas and field offices in seven other states to the extent such forms have been retained.

27 7. In my role as Manager of People, I supervise a team of background  
28 coordinators who are responsible for managing background screens and verifications from Sterling,

1 our background screen vendor, for all applicants nationwide. Based on the information Sterling  
2 provides, my department makes the determination under my supervision whether the applicant  
3 passes the screen and verification process such that they appear to meet SWA's hiring criteria. My  
4 understanding is that Sterling is headquartered in New York. SWA's Compliance Lead is the  
5 Company's liaison with Sterling and also monitors SWA's compliance with its processes and  
6 procedures. These background coordinators currently work out of our Dallas headquarters.  
7 However, prior to the spring of 2015, these coordinators were located in eight offices around the  
8 country: Dallas, Texas; Atlanta, Georgia; Denver, Colorado; Orlando, Florida; Chicago, Illinois;  
9 Phoenix, Arizona; Baltimore, Maryland, and Oakland, California.

10 8. Before SWA centralized its background screening process in Dallas with its  
11 background coordinators, our employment coordinators had the responsibility to order background  
12 screens from our background screening vendor and to print signed job applications and consent  
13 forms to be placed in personnel files. During the last five years, employment coordinators have been  
14 responsible for collecting signed job applications and consent forms from applicants and transmitting  
15 the signed forms to our background screening vendor.

16 9. Employment coordinators work in SWA field offices within the People  
17 Department. At various periods during the last five years, SWA has utilized employment  
18 coordinators in approximately eight field offices in eight states: Dallas, Texas; Atlanta, Georgia;  
19 Phoenix, Arizona; Denver, Colorado; Orlando, Florida; Chicago, Illinois; Baltimore, Maryland; and  
20 Oakland, California. Our Dallas office is the largest office because in addition to field recruiting, the  
21 coordinators recruit for all mechanic, flight attendant and pilot positions nationwide as well as for  
22 jobs located in our corporate headquarters. Employment coordinators communicate with job  
23 candidates during the application process, including in person. In addition, their responsibilities  
24 include ensuring that the applicants who are going to be screened return a signed background screen  
25 consent form, as well as ordering criminal background screens, motor vehicle reports and certain  
26 verifications from Sterling. During the last five years, employment coordinators at times provided  
27 applicants the consent form for the background report by email, mail or in person at an interview. In  
28 the case of Justin Craig Lewis's application for ramp agent in January 2015, an employment

1 coordinator named Lori Gutierrez sent Mr. Lewis papers to authorize a drug and alcohol screen and  
2 a tax credit survey. Ms. Gutierrez also separately requested a criminal background check and certain  
3 verifications from Sterling. Ms. Gutierrez works out of SWA's Phoenix, Arizona office from which  
4 she oversees processing of applicants for jobs based at Los Angeles International airport, among  
5 other airports. Although certain airports are assigned to each coordinator, they may assist other  
6 coordinators in other field offices as needed.

7           10. SWA recruitment coordinators work out of various SWA offices located in  
8 eight states, including Dallas, Texas; Atlanta, Georgia; Phoenix, Arizona; Denver, Colorado;  
9 Orlando, Florida; Chicago, Illinois; Baltimore, Maryland; and Oakland, California. Mr. David Vogt  
10 is a recruitment coordinator, working in our Phoenix office, who communicated with Mr. Lewis  
11 during his application process in January 2015. Mr. Vogt is responsible for recruitment for positions  
12 at LAX airport, among other airports. From time to time recruiters such as Mr. Vogt sent applicants  
13 the background check consent form and job application to complete.

14           11. During the last five years, SWA also used several staffing agencies and other  
15 vendors to assist in this recruitment process for some job requisitions, such as occurred with respect  
16 to the position of ramp agent for which Mr. Lewis was screened and then hired in January 2015. A  
17 recruiter named Jose Cordova, employed by Aerotek, Inc., was involved in Mr. Lewis' application  
18 for the ramp agent position. Mr. Cordova sent Mr. Lewis an email with a link to our online  
19 application process to complete the job application and also sent Mr. Lewis the consent form to  
20 authorize a background screen and verification. A true and correct copy of these January 8, 2015  
21 and January 19, 2015 emails are attached as **Exhibit A**. From time to time recruiters such as  
22 Aerotek sent applicants the background check consent form and job application. My understanding  
23 is that Aerotek, Inc. is headquartered in Maryland.

24           12. During the last five years, SWA used other recruitment vendors in addition to  
25 Aerotek, including Ultimate Staffing. My understanding is that Ultimate is headquartered in  
26 Addison, Texas, immediately north of Dallas, Texas.

27           14. In my role as Manager of People, I have access to the personnel files of SWA  
28 current and former employees kept in the ordinary course of business. Attached as **Exhibit B** is an

1 excerpt of the job application submitted by Justin Craig Lewis on January 29, 2015, providing his  
2 residential address in Culver City, California. As noted above, Mr. Lewis was hired by SWA and  
3 worked at Los Angeles International Airport at all times until his termination.

4 15. SWA has operations in approximately 97 cities in 40 states. As a result of my  
5 responsibilities for SWA, I have access to the iCIMS database that in the ordinary course of business  
6 includes accurate information on the names and residential addresses of all persons who were  
7 screened by SWA for potential employment within the United States going back to February, 2014.  
8 Based on the information in that iCIMS database, since 2014 SWA received more applications for  
9 employment from individuals residing in Texas than any other state, including California. Texas  
10 residents comprise approximately 31.8% of our applicant pool, whereas California residents  
11 comprise approximately 10.2% of our applicants. Additionally, 50.3% of applicants came from the  
12 southern United States (including Texas); 4.4% from Colorado and New Mexico; 14.7% from the  
13 Midwest; and 5.1 % from the northeastern United States.

14 I declare under penalty of perjury under the laws of the United States of America that  
15 the foregoing is true and correct.

16 Executed this \_\_\_\_ day of February, 2016.

17 \_\_\_\_\_  
18 **CJ BEUTLER**  
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